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MINISTRY OF LAW (Legislative Department)

New Delhi, the 13th March, 1959/Phalguna 22, 1880 (Saka)

The following Acts of Parliament received the assent of the President on the 12th March, 1959, and are hereby published for general information:—

THE INDIAN INCOME-TAX (AMENDMENT) ACT, 1959

No. 1 of 1959

[12th March, 1959]

An Act further to amend the Indian Income-tax Act, 1922.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Income-tax (Amendment) Short title. Act, 1959.

11 of 1922. 2. In section 34 of the Indian Income-tax Act, 1922 (hereinafter Amendment referred to as the principal Act), after sub-section (3), the following of section 34. sub-section shall be inserted, namely:—

“(4) A notice under clause (a) of sub-section (1) may be issued at any time notwithstanding that at the time of the issue of the notice the period of eight years specified in that sub-section before its amendment by clause (a) of section 18 of the Finance Act, 1956, had expired in respect of the year to which the notice relates.”.

18 of 1956

3. After section 49E of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 49EE.

“49EE. (1) Where in pursuance of any settlement relating to the assessment, re-assessment or case of any person made or purported to have been made before the 17th day of January, 1959, whether under this Act or otherwise, any sum of money

Power to set off in certain cases moneys in the possession of Government

against tax
found due
under assess-
ments etc.,
thereafter to
be made.

or any security for the payment of any sum of money has been paid or furnished by him, or on his behalf by any other person, no claim for the refund of any sum so paid or for the return of any security so furnished shall be entertained or allowed on the ground that the settlement is invalid—

(a) in any case where a notice under section 34 in respect of the income, profits or gains relating to the settlement aforesaid has been issued before the 17th day of January, 1959, and

(b) in any other case, for a period of two years from that date and, if during the period of the said two years any notice under section 34 is issued, pending the completion of the assessment, re-assessment or settlement in pursuance of such notice;

and, accordingly, no application, suit or other legal proceeding for the refund of any such money or the return of any such security shall lie or be allowed to continue—

(i) pending the completion of the assessment, re-assessment or settlement in pursuance of the notice referred to in clause (a); or

(ii) during the period of two years referred to in clause (b) or pending the completion of the assessment, re-assessment or settlement in pursuance of the notice referred to in that clause.

(2) The Income-tax Officer, Appellate Assistant Commissioner or the Commissioner, as the case may be, may set off the amount referred to in sub-section (1) or the amount of the security referred to in that sub-section which may be realised for the purpose against the tax, interest, penalty or any other sum which may become payable by reason of any assessment, re-assessment or settlement made in pursuance of the notice referred to in clause (a) of that sub-section or in pursuance of any such notice issued within the period of two years referred to in clause (b) of that sub-section.

(3) In computing the period of limitation prescribed for any legal proceeding in relation to any such sum or security aforesaid, the time during which any such proceeding cannot be instituted by reason of the provisions contained in sub-section (1) shall be excluded.”.

4. No notice issued under clause (a) of sub-section (1) of section 34 of the principal Act at any time before the commencement of this Act and no assessment, re-assessment or settlement made or other proceeding taken in consequence of such notice shall be called in question in any court, tribunal or other authority merely on the ground that at the time the notice was issued or at the time the assessment or re-assessment was made, the time within which such notice should have been issued or the assessment or re-assessment should have been made under that section as in force before its amendment by clause (a) of section 18 of the Finance Act, 1956, had expired.
- 18 of 1956.
5. (1) The Indian Income-tax (Amendment) Ordinance, 1959, is hereby repealed.
- 1 of 1959.
- (2) Notwithstanding such repeal, anything done or any action taken (including any notice issued) in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

Saving of notices, assessments, etc., in certain cases.

Repeal and saving.

THE APPROPRIATION ACT, 1959

No. 2 of 1959

[12th March, 1959]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation Act, 1959. Short title.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and sixty-one crores, sixty-three lakhs and eighty-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1958-59, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 1,61,63,83,000 out of the Consolidated Fund of India for the year 1958-59.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	2,85,000	..	2,85,000
5	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry	52,68,000	..	52,68,000
8	Ministry of Defence . . .	2,31,000	..	2,31,000
9	Defence Services— Effective Army . . . . .	..	95,000	95,000
18	Scientific Research . . .	40,00,000	..	40,00,000
28	Customs . . . . .	..	3,000	3,000
29	Union Excise Duties . . .	..	4,01,97,000	4,01,97,000
32	Stamps	21,80,000	..	21,80,000
35	Mint	96,00,000	..	96,00,000
37	Superannuation Allowances and Pensions	13,00,000	..	13,00,000
40	Miscellaneous Adjustments between the Union and State Governments	3,04,000	..	3,04,000
	CHARGED.—Interest on Debt and other obligations and reduction or avoidance of Debt . . . . .	..	1,50,00,000	1,50,00,000
58	Privy Purses and Allowances of Indian Rulers	1,11,000	34,000	1,45,000
67	Broadcasting	33,00,000	..	33,00,000
69	Ministry of Irrigation and Power	1,64,000	..	1,64,000
70	Multi-purpose River Schemes	10 00,000	..	10,00,000
72	Ministry of Labour and Employment	2,00,000	..	2,00,000
79	Expenditure on Displaced Persons and Minorities	4,27,00,000	..	4,27,00,000
84	Ministry of Transport and Communications	3,00,000	..	3,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
88	Communications (including National Highways)	24,00,000	..	24,00,000
89	Indian Posts and Telegraphs Department	..	1,45,000	1,45,000
95	Supplies	5,03,000	12,000	5,15,000
96	Other Civil Works	2,89,93,000	..	2,89,93,000
97	Stationery and Printing	96,00 000	..	96,00,000
106	Capital Outlay of the Ministry of Commerce and Industry	4,13,97 000	..	4,13,97,000
112	Capital Outlay on Currency and Coinage	1,63,47,000	..	1,63,47,000
117	Loans and Advances by the Central Government	45,00,00,000	25,00 00 000	70,00,00,000
119	Purchase of Foodgrains	67,59,00,000	..	67,59,00,000
120	Other Capital Outlay of the Ministry of Food and Agri- culture	..	22,000	22,000
130	Capital Outlay on Roads	97,92,000	..	97,92,000
134	Delhi Capital Outlay	50,00,000	..	50,00,000
	TOTAL	1,31,08,75,000	30,55,08,000	1,61,63,83,000

THE CINEMATOGRAPH (AMENDMENT) ACT, 1959

No. 3 of 1959

[12th March, 1959]

An Act further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Cinematograph (Amendment) Act, Short title. 1959.

37 of 1952. 2. In section 1 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), in sub-section (2), for the words and letter "Part C States", the words "the Union territories" shall be substituted. Amendment of section 1.

Amendment
of section 2.

3. In section 2 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

‘(dd) “film” means a cinematograph film;’.

Substitution
of new sec-
tions for
sections
3, 4, 5 and 6.
Board of
Film Cen-
sors

4. For sections 3, 4, 5 and 6 of the principal Act, the following sections shall be substituted, namely:—

“3. (1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the Board of Film Censors which shall consist of a Chairman and not more than nine other members appointed by the Central Government.

(2) The Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government, and the other members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.

(3) The other terms and conditions of service of the members of the Board shall be such as may be prescribed.

Examination
of films.

4. (1) Any person desiring to exhibit any film shall in the prescribed manner make an application to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner,—

(i) sanction the film for unrestricted public exhibition;
or

(ii) sanction the film for public exhibition restricted to adults; or

(iii) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for unrestricted public exhibition or for public exhibition restricted to adults, as the case may be; or

(iv) refuse to sanction the film for public exhibition.

(2) No action under clause (ii), clause (iii) or clause (iv) of sub-section (1) shall be taken by the Board except after giving an opportunity to the applicant for representing his views in the matter.

Advisory
panels.

5. (1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government may establish at such regional centres as it thinks fit, advisory panels each of which shall consist of such number of persons,

being persons qualified in the opinion of the Central Government to judge the effect of films on the public, as the Central Government may think fit to appoint thereto.

(2) At each regional centre there shall be as many regional officers as the Central Government may think fit to appoint, and rules made in this behalf may provide for the association of regional officers in the examination of films.

(3) The Board may consult in such manner as may be prescribed any advisory panel in respect of any film for which an application for a certificate has been made.

(4) It shall be the duty of every such advisory panel whether acting as a body or in committees as may be provided in the rules made in this behalf to examine the film and to make such recommendations to the Board as it thinks fit.

(5) The members of the advisory panel shall not be entitled to any salary but shall receive such fees or allowances as may be prescribed.

5A. (1) If, after examining a film or having it examined in the manner provided in this Act, the Board considers that the film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition, it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of a film a "U" certificate in the former case and an "A" certificate in the latter case, and shall in either case cause the film to be so marked in the prescribed manner. Certification of films.

(2) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published in the Gazette of India.

(3) Subject to the other provisions contained in this Act, a certificate granted by the Board under this section shall be valid throughout India for a period of ten years.

5B. (1) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence. Principles for guidance in certifying films.

(2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.

Appeals

5C. Any person applying for a certificate in respect of a film who is aggrieved by any order of the Board—

- (a) refusing to grant a certificate; or
- (b) granting only an "A" certificate; or
- (c) directing the applicant to carry out any excisions or modifications;

may, within thirty days from the date of such order, appeal to the Central Government, and the Central Government may, after such inquiry into the matter as it considers necessary and after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit.

**Revisional
powers of
the Central
Government.**

6. (1) Notwithstanding anything contained in this Part, the Central Government may at any stage call for the record of any proceeding in relation to any film which is pending before, or has been decided by, the Board, and after such inquiry into the matter as it considers necessary, make such order in relation thereto as it thinks fit, and the Board shall dispose of the matter in conformity with such order:

Provided that no such order shall be made prejudicially affecting any person applying for a certificate or to whom a certificate has been granted, as the case may be, except after giving him an opportunity for representing his views in the matter.

(2) Without prejudice to the powers conferred on it under sub-section (1), the Central Government may, by notification in the Official Gazette, direct that—

- (a) a film which has been granted a certificate shall be deemed to be an uncertified film in the whole or any part of India; or
- (b) a film which has been granted a "U" certificate shall be deemed to be a film in respect of which an "A" certificate has been granted; or
- (c) the exhibition of any film be suspended for such period as may be specified in the direction:

Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of the notification.

(3) No action shall be taken under clause (a) or clause (b) of sub-section (2) except after giving an opportunity to the person concerned for representing his views in the matter.

(4) During the period in which a film remains suspended under clause (c) of sub-section (2), the film shall be deemed to be an uncertified film.”.

5. After section 7 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 7A, 7B, etc.

“7A. (1) Where a film in respect of which no certificate has been granted under this Act is exhibited, or a film certified as suitable for public exhibition restricted to adults is exhibited to any person who is not an adult or a film is exhibited in contravention of any of the other provisions contained in this Act or of any order made by the Central Government or the Board in the exercise of any of the powers conferred on it, any police officer may, in pursuance of an order made in this behalf by the district magistrate or by any magistrate of the first class empowered in this behalf by the district magistrate, enter any place in which he has reason to believe that the film has been or is being or is likely to be exhibited, search it and seize the film.

Power of seizure.

5 of 1898.

(2) All searches under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating to searches.

7B. The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by the Board under this Act shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or any other member of the Board, and anything done or action taken by the Chairman or other member specified in the order shall be deemed to be a thing done or action taken by the Board.

Delegation of powers by Board.

7C. For the purpose of exercising any of the powers conferred on it by this Act, the Central Government or the Board may require any film to be exhibited before it or before any person specified by it in this behalf.

Power to direct exhibition of films for examination.

7D. No act or proceeding of the Board or of any advisory panel shall be deemed to be invalid by reason only of a vacancy in, or any defect in, the constitution of the Board or panel, as the case may be.

Vacancies, etc., not to invalidate proceeding.

7E. All members of the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members of the Board and advisory panels to be public servants.

Bar of legal proceedings.

7F. No suit or other legal proceeding shall lie against the Central Government, the Board, advisory panel or any officer or member of the Central Government, Board or advisory panel, as the case may be, in respect of anything which is in good faith done or intended to be done under this Act."

Amendment of section 8.

6. For sub-section (3) of section 8 of the principal Act, the following sub-section shall be substituted, namely:—

"(3) All rules made by the Central Government under this Part shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

THE DELHI LAND REFORMS (AMENDMENT) ACT, 1959

[12th March, 1959]

No. 4 of 1959

An Act further to amend the Delhi Land Reforms Act, 1954

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Delhi Land Reforms (Amendment) Act, 1959.

(2) Clause (b) of section 2, clauses (b) to (e) of section 3, sections 4 to 9, 12 and 13 and sub-section (1) of section 20 shall be deemed to have come into force on the 20th day of July, 1954, and the rest of this Act shall come into force at once.

Amendment of section 1.

2. In section 1 of the Delhi Land Reforms Act, 1954 (hereinafter referred to as the principal Act), in sub-section (2),—

Delhi Act 8 of 1954.

(a) in clause (a), the word "are" occurring before the word "included" shall be omitted;

(b) in clause (b), for the words "areas controlled, notified, held, occupied or owned by the Delhi Improvement Trust, or", the word "areas" shall be substituted.

Amendment of section 3.

3. In section 3 of the principal Act,—

(a) for clauses (1) and (5), the following clauses shall be substituted, namely:—

'(1) "agricultural year" or "fasli year" means the year commencing on the 1st day of July and ending on the 30th day of June;

(5) "Delhi town" means the areas which immediately before the establishment of the Municipal Corporation of Delhi were included in the limits of Delhi Municipality, Civil Station Notified Area, West Delhi Municipality and the Fort Notified Area;';

(b) after clause (12), the following clause shall be inserted, namely:—

'(12A) "Khudkasht" means land (other than Sir) cultivated by a proprietor either by himself or by servants or by hired labour,—

(a) at the commencement of this Act, or

(b) at any time during the period of five years immediately before the commencement of this Act, whether or not it was so cultivated at such commencement, provided that it has not, at any time after having been so cultivated, been let out to a tenant;';

(c) after clause (19), the following clause shall be inserted, namely:—

'(19A) "Revenue Assistant" means an Assistant Collector of the first grade or class and includes any officer empowered by the Chief Commissioner to perform all or any of the functions of a Revenue Assistant under this Act;';

(d) in clause (24), the word "khudkasht," shall be omitted;

(e) in clause (25), the words "Revenue Assistant" shall be omitted.

4. In section 5 of the principal Act, in clause (a),—

Amendment
of section 5.

(a) the words "under his self-cultivation" shall be omitted;

(b) after the words "Patta Dawami", the words "or Istam-rari" shall be inserted.

5. In section 7 of the principal Act,—

Amendment
of section 7.

(a) in sub-section (1), in clause (i) of the *Explanation*,—

(i) the words, letters and figures "recorded as such on 1st July, 1950" shall be omitted;

(ii) for the words "except the uncultivated areas included in the holdings of such proprietor or proprietors",

the following shall be substituted, namely:—

“except the uncultivated areas—

(a) included in the holdings of such proprietor or proprietors, or

(b) used for purposes other than those mentioned in clause (13) of section 3, at any time before the 28th day of October, 1956, or

(c) acquired by a *bona fide* purchaser for value at any time before the 28th day of October, 1956, for purposes other than those mentioned in clause (13) of section 3.”;

(b) in sub-section (2), the words “consisting of all the adult residents of the village” and the words, letters and figures “as recorded on 1st July, 1950” shall be omitted;

(c) in sub-section (3), for the words “not exceeding two, as the Chief Commissioner may determine, commencing from the fasli year next following the commencement of this Act”, the following shall be substituted, namely:—

“not exceeding four, as the Chief Commissioner may determine, the first of which shall be paid—

(a) in any case where such calculation has been made before the date on which the Delhi Land Reforms (Amendment) Act, 1959, receives the assent of the President, on the first day of the fasli year next following such date; and

(b) in any other case, on the first day of the fasli year next following the date of such calculation”;

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Where the amount of compensation is not paid by the due date specified in sub-section (3), such amount shall be paid with interest thereon at the rate of 2½ per cent. per annum from the said date until payment.”.

Amendment
of section 11.

6. In section 11 of the principal Act, in sub-section (2), for the portion other than the proviso, the following shall be substituted, namely:—

“(2) For the purposes of sub-section (1), the Deputy Commissioner shall take into consideration the entries in the revenue records which shall be presumed to be correct unless the contrary is proved.”.

7. In section 15 of the principal Act,—

Amendment
of section
15.

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If the proprietor mortgagor deposits the amount and applies for redemption as provided in sub-section (1), he shall be declared as Bhumidhar in respect of the mortgaged area which was under the personal cultivation of the mortgagee on the date of such application for redemption, and if any part of the mortgaged area was on the said date let out to a tenant, such tenant shall be declared as Bhumidhar in respect of the area that was so let out to him.”;

(b) in sub-section (3), the words “whether or not it was the Sir or Khudkasht of the mortgagor on the date of the mortgage” shall be omitted.

8. After section 16 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
16A.

“16A. Where a tenant is declared as Bhumidhar in respect of any part of mortgaged area that has been redeemed under sub-section (1) of section 15, the compensation payable by such tenant to the mortgagor shall be determined and paid in the manner provided in clause (2) or clause (3) of section 16 according as such tenant is declared a Bhumidhar under sub-section (2) or sub-section (5) of section 15.”.

Compensation payable by tenant declared Bhumidhar of redeemed land.

9. In section 18 of the principal Act,—

Amendment
of section 18.

(a) in sub-section (2), after the words “Revenue Assistant”, the words “and, shall on regaining possession have the same rights as he would have had but for such eviction, decree or order” shall be inserted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Nothing in this section shall affect the rights of a proprietor in any land held or occupied at the commencement of this Act for purposes other than those mentioned in clause (13) of section 3.”.

Amendment
of section 26.

10. In section 26 of the principal Act, for the words "except with the written permission of the landholder of such land or the Gaon Panchayat, as the case may be", the following shall be substituted, namely:—

"except—

(a) with the written permission of the landholder of such land or the Gaon Panchayat, as the case may be, or

(b) where such permission is not given within the prescribed period, with the written permission of the Revenue Assistant granted in accordance with rules made under this Act in this behalf".

Amendment
of section 28.

11. In section 28 of the principal Act,—

(a) in sub-section (1), for the words "written consent of the Gaon Panchayat or the landholder", the words "written permission of the landholder, the Gaon Panchayat or the Revenue Assistant" shall be substituted;

(b) in sub-section (2), for the word "consent", the word "permission" shall be substituted.

Substitution
of new section
for
section 33.

12. For section 33 of the principal Act, the following section shall be substituted, namely:—

Restrictions
on trans-
fers by a
Bhumidhar.

"33. No Bhumidhar shall have the right to transfer by sale or gift or otherwise any land to any person, other than an institution established for a charitable purpose or a body notified by the Chief Commissioner, where as a result of the transfer—

(a) such person shall become entitled to land which together with land, if any, held by him personally or together with the members of his family will, in the aggregate, exceed thirty standard acres, or

(b) the transferor shall be left with an uneconomic holding of less than eight standard acres in the Union territory of Delhi:

Provided that the Chief Commissioner may exempt from the operation of clause (b) the transfer of any land made before the 1st day of December, 1958, if the land covered by such transfer does not exceed one acre in area and is used or intended to be used for purposes other than those mentioned in clause (13) of section 3.

Explanation.—For the purposes of this section a person's family shall, if the members are living jointly, consist of the

person himself, his minor children, his wife or her husband, as the case may be, and if the person himself is a minor, his father and mother.”.

13. Section 45 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 45.

“(2) Nothing in sub-section (1) shall apply to any transfer which has been exempted by the Chief Commissioner from the operation of clause (b) of section 33.”.

14. In section 88 of the principal Act, for the words “if the rent is paid in cash, its equivalent value”, the words “four times the land revenue payable for the land held by the Asami, whichever is less” shall be substituted.

Amendment of section 88.

15. In section 150 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amendment of section 150.

Delhi Act 3 of 1955.

“Provided that such areas shall not include any area to which the Delhi Panchayat Raj Act, 1954, does not extend.”.

16. For section 151 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 151.

43 of 1950.

“151. (1) All persons registered by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, as voters in so much of the electoral roll for any parliamentary constituency for the time being in force as relates to a Gaon Sabha Area shall be the members of the Gaon Sabha for that area.

Membership of Gaon Sabha and constitution of Gaon Panchayat.

43 of 1950.

Explanation.—In this sub-section, the expression “parliamentary constituency” has the meaning assigned to it under the Representation of the People Act, 1950.

(2) Every Gaon Sabha shall have an executive body to be known as the Gaon Panchayat.

(3) A Gaon Panchayat shall consist of a Pradhan and such number of panches, not less than four and not more than ten, as the Chief Commissioner may fix from time to time in this behalf.

(4) The Pradhan and the panches shall be elected by the members of the Gaon Sabha from among themselves.

(5) The Chief Commissioner shall, by order in the Official Gazette, determine the number of seats, if any, reserved for women and the Scheduled Castes in each Gaon Panchayat:

Provided that the number of seats so reserved for the Scheduled Castes shall bear as nearly as may be the same proportion

to the total number of seats in the Gaon Panchayat as the population of the Scheduled Castes in the area of the Gaon Sabha bears to the total population of such area."

Amendment
of section
153.

17. In section 153 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) ceases to be a member of the Gaon Sabha; or".

Amendment
of section
187.

18. In section 187 of the principal Act, for the words "in which no appeal lies, or where an appeal lies but has not been preferred", the words "in which no appeal lies to him" shall be substituted.

Amendment
of section
191.

19. In section 191 of the principal Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) All rules made under this Act shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

Amendment
of Schedule I.

20. (1) In Schedule I to the principal Act,—

(a) for the figures and brackets "15(2)" in column 2 against entry No. 1, the figures and brackets "15(1)" shall be substituted;

(b) for entries 2, 19 and 21, the following entries shall be respectively substituted, namely:—

2	15(a)(3), (4) and (5)	Application by mortgagor or mortgagee or tenants to be declared Bhumidhar.	None	None	-do-	-do-	-do-	...
19	84	Suit for ejectment of a person occupying land without title and damages.						
		(i) by a Bhumidhar declared under Chapter III of the Act or by an Asami falling under section 6 of the Act where such unlawful occupant was in possession of the land before the issue of the prescribed declaration form;	Three years.	From the date of issue of the prescribed declaration form to the tenure-holder or the sub-tenure-holder concerned.	-do-	-do-	-do-	...
		(ii) by a Gaon Sabha where the unlawful occupant was in possession of the land before the constitution of Gaon Panchayat;	Three years.	From the date of constitution of Gaon Panchayat under section 151.	-do-	-do-	-do-	...
		(iii) by a Bhumidhar, Asami or Gaon Sabha in any other case.	Three years.	From the 1st of July following the date of occupation.	-do-	-do-	-do-	..
21	87	Suit for ejectment of person from lands of public utility.	Three years.	From the date of constitution of Gaon Panchayat under section 151.	-do-	-do-	-do-	Chief Commissioner."

(2) The amendments made in Schedule I to the principal Act by sub-section (1) shall not apply in relation to suits under entries 19 and 21 of that Schedule instituted or disposed of before the date on which this sub-section comes into force.

21. (1) Notwithstanding anything contained in any law for the time being in force—

Certain
decrees and
orders to be
null and
void.

Delhi Act 8
of 1954.

Delhi Act
16 of 1956.

(a) every decree or order passed by any court or other authority in respect of any land which came to be excluded from the operation of the Delhi Land Reforms Act, 1954 as a result of the amendment made by clause (ii) of section 2 of the Delhi Land Reforms (Amendment) Act, 1956, shall be null and void, if the same would not have been passed but for such amendment;

(b) all suits and applications in respect of any such land for any relief, which cannot be granted but for such amendment, pending in any court or other authority immediately before the date on which this section comes into force, shall be dismissed; and

(c) every decree or order passed by any court or other authority refusing to grant any relief in respect of any such land on account of such amendment shall be null and void and the proceedings in which such decree or order was passed shall be revived and disposed of in accordance with the provisions of the Delhi Land Reforms Act, 1954, as amended by this Act.

Delhi Act
8 of 1954

(2) Where a decree or order is null and void under clause (a) of sub-section (1), the court or other authority which passed the decree or order shall, on the application of any party entitled to any benefit by way of restitution or otherwise cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for the decree or order.

(3) No suit shall be instituted for the purpose of obtaining any restitution or other relief which could be obtained by application under sub-section (2).